

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JULIA MALDONADO,	)	
	)	No. 14 C 6694
Plaintiff,	)	Motion for:
	)	14 C 7091
	)	14 C 7092
v.	)	15 C 0607
	)	15 C 1097
FREEDMAN ANSELMO LINDBERG LLC;	)	15 C 1124
	)	15 C 2538
Defendant.	)	
	)	Hon. Harry D. Leinenweber
	)	

**DEFENDANTS' JOINT SUPPLEMENTAL MOTION FOR SUMMARY JUDGMENT**

Defendants, Freedman Anselmo Lindberg, LLC (FAL) and Portfolio Recovery Associates, LLC ("PRA"), by its attorneys Hinshaw & Culbertson LLP, respectfully requests this Court grant their Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56 and in support thereof states as follows:

1. Defendant FAL filed its opening Motion and Memorandum of Law in Support of its Motion for Summary Judgment on July 15, 2015. (Dkt. #61, #62). Defendant PRA filed a Supplemental Memorandum in Support of Summary Judgment on July 15, 2015. (Dkt. #66). These motions and memorandum were filed in support of the earlier cases assigned to this Court. The parties have now completed discovery for the remaining cases and there are no additional arguments other than those currently pending before the Court.
2. Defendants FAL and PRA adopt and incorporate Defendant Freedman Anselmo Lindberg, LLC's ("FAL") arguments and authorities set forth in FAL's Motion and Memorandum of Law in Support of its Motion for Summary Judgment (Dkt. #61 & #62) and PRA's Supplemental Memorandum of Law in Support of Motion for Summary Judgment (Dkt. #66) for the following cases:

- a. *Delk I v. Freedman Anselmo Lindberg, LLC* (14-cv-7091)
- b. *Delk II v. Freedman Anselmo Lindberg, LLC* (14-cv-7092)
- c. *Gajda v. Portfolio Recovery Associates, LLC* (15-cv-0607)
- d. *Jenkins v. Portfolio Recovery Associates, LLC* (15-cv-1124)
- e. *Martinez v. Freedman Anselmo Lindberg, LLC and Portfolio Recovery Associates, LLC* (15-cv-1097)

In FAL's Memorandum of Law (Dkt. #62), FAL asserted that it is entitled to judgment as a matter of law because (1) FAL's alleged violation was unintentional and the result of a bona fide error; (2) the *Suesz* holding's retroactive application concerns transferring collection cases only, not liability under the FDCPA; and (3) the plaintiffs lack evidence to support allegations or damages. In PRA's Supplemental Memorandum of Law (Dkt. #66), PRA asserted that it is entitled to judgment as a matter of law because the alleged violation was unintentional and the result of a bona fide error as it relied on its collection counsel when filing the collection cases.

3. Additionally, and on separate grounds, Defendants move for Summary Judgment in *Guy v. Freedman Anselmo Lindberg, LLC and Portfolio Recovery Associates, LLC* (15-cv-2538) because Plaintiff was never served with the underlying collection suit, and therefore, cannot prove a violation of FDCPA § 1692i as a matter of law. In support of this argument, Defendants FAL and PRA adopt and incorporate PRA's Supplemental Memorandum of Law in Support of Motion for Summary Judgment (Dkt. #66, pp. 4-7). In PRA's Supplemental Memorandum of Law in Support of Motion for Summary Judgment (Dkt. #66, pp. 4-7), PRA cited to and relied upon *Knight v. Blatt, Hasenmiller, Leibsker, & Moore LLC et. al.*, No. 14-cv-8169 (N.D. Ill. Mem. Op. & Order dated May 6, 2015), which dismissed an identical claim because the debtor was not served with the underlying collection suit. Since the filing of PRA's Supplemental Memorandum of Law in Support of Motion for Summary Judgment (Dkt. #66, pp. 4-7), two other courts in this District dismissed claims alleging identical violations of the FDCPA's venue provision because the plaintiffs were not served in the underlying collection cases. See *Abu Samra v. Cavalry SPV I, LLC*, No. 14-cv-9422 (N.D. Ill. Mem.

Op. & Order dated August 5, 2015); *Betts v. Portfolio Recovery Associates, LLC*, No. 15-cv-1248 (N.D. Ill. Mem. Op. & Order dated August 31, 2015). Defendants will discuss and address these more recent rulings in their final Response to the Motion for Summary Judgment.

4. To comply with Local Rule 56.1, the parties have submitted an additional statement of facts for the above cases. It does not add new information not currently pending before the Court but only facts specific to these cases and additional background.

WHEREFORE, for reasons stated in FAL's Motion and Memorandum of Law in Support of its Motion for Summary Judgment (Dkt. #61 & #62), PRA's Supplemental Memorandum of Law in support of Motion for Summary Judgment (Dkt. #66), and above, summary judgment should be entered in favor of Defendants and against Plaintiffs in:

- a. *Delk I v. Freedman Anselmo Lindberg, LLC* (14-cv-7091)
- b. *Delk II v. Freedman Anselmo Lindberg, LLC* (14-cv-7092)
- c. *Gajda v. Portfolio Recovery Associates, LLC* (15-cv-0607)
- d. *Jenkins v. Portfolio Recovery Associates, LLC* (15-cv-1124)
- e. *Martinez v. Freedman Anselmo Lindberg, LLC and Portfolio Recovery Associates, LLC* (15-cv-1097)
- f. *Guy v. Freedman Anselmo Lindberg, LLC and Portfolio Recovery Associates, LLC* (15-cv-2538)

Respectfully submitted,

FREEDMAN ANSELMO LINDBERG,  
LLC, DEFENDANT

PORTFOLIO RECOVERY ASSOCIATES,  
LLC, Defendant

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 4, 2015, I electronically filed with the Clerk of the U.S. District Court, Northern District of Illinois Eastern Division, the foregoing **Joint Supplemental Motion for Summary Judgment** by using the CM/ECF system, which will send notification of such filing(s) to:

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